

PATENT APPLN. NO. 10/536,559
AMENDMENT AND RESPONSE TO
ELECTION OF SPECIES REQUIREMENT

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OCT 30 2006

REMARKS

The Action includes an election of species requirement.
Election of one of the following species is required:

- (I) Fig. 1, identified in the Action as corresponding
 to claim 4,
- (II) Fig. 2, identified in the Action as corresponding
 to claim 5, and
- (III) Fig. 3, identified in the Action as corresponding
 to claim 6.

Applicants request withdrawal of the election of species
requirement.

The present application is the U.S. national stage of
international application PCT/JP2004/001853. Unity of invention
practice must be applied by the Office to the present application.
The Office states that the species lack unity of invention because
"the technical feature of claim 1 are disclosed by the prior art of
record (reference on IDS)".

The statement of the Office does not comply with the
requirements for election in the present requirement. MPEP
1893.03(d) requires the Office to "explain why the species lack
unity with each other group ... specifically describing the unique
special technical feature of each group." The Office has failed to

identify the unique special technical feature of each group and has failed to identify the prior art disclosing the technical feature. A proper response to the election of species requirement cannot be made unless and until the Office identifies the unique special technical feature of each group and identifies the specific prior art disclosing the technical feature.

Withdrawal of the election of species requirement is in order and is respectfully requested.

Notwithstanding that the election of species requirement is improper and is traversed for the reasons explained above, applicant elects species I, Fig. 1. All of the claims are believed to read on the elected species.

Furthermore, it is noted that the claims have been amended to clearly show that each dependent claim further recites an additional technical feature of independent claim 1. Claims 1 to 9 form a single general inventive concept under PCT Rule 13.1. Claim 1 sets forth a combined oil control ring to solve problems of conventional combined oil control ring consisting of an oil ring body and a coil expander (see page 1, line 19, to page 4, line 25, and Figs. 4 and 5 of the specification of the present application). Dependent claims 2 to 9 are linked by the technical features of

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